

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.) Case No. 11-CR-30082-MJR
)
)
MICHAEL WYROZYNSKI,)
)
 Defendant.)

MEMORANDUM and ORDER

REAGAN, District Judge:

Charged with possession and distribution of child pornography, Michael Wyrozynski is set to commence jury trial on December 12, 2011. By motions filed November 21, 2011, Wyrozynski moves to continue that trial date and requests the preparation of a pre-plea/pre-conviction Pre-Sentence Report ("PSR"). The motions explain that defense counsel has received extensive discovery from the United States of America ("the Government"), defense counsel has reviewed that discovery with Defendant, and defense counsel has met with Defendant on at least five occasions to discuss how the Advisory Sentencing Guidelines may impact Defendant's case. But, due to complex sentencing issues involved herein, "it is extremely difficult [for defense counsel] to advise [Defendant] of potential sentencing ranges and issues" (Doc. 25, p. 1). The motion further explains: "Probation is only able to provide limited assistance without viewing the discovery. Consequently, counsel believes preparation of a pre-conviction or plea PSR is necessary for Mr. Wyrozynski to make an informed decision on how to proceed in this matter" (*id.*, p. 2).

Having carefully reviewed the pending motions, and fully cognizant of the demanding workload on the U.S. Probation Office in this District, the undersigned Judge concludes that extraordinary circumstances have not been demonstrated to warrant the preparation of pre-plea/pre-conviction PSR or a trial continuance based solely on the time needed to prepare the PSR. Accordingly, the Court DENIES both motions (Docs. 24 and 25).

Jury trial remains set December 12, 2011, but defense counsel may file a fresh motion to continue trial, delineating any other grounds supporting a continuance from the imminent trial date.

IT IS SO ORDERED.

DATED November 22, 2011.

s/ Michael J. Reagan

Michael J. Reagan
United States District Judge